



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

HJ

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,392	06/18/2001	Yoshihito Ishibashi	450108-02659	6916
20999	7590	12/30/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			DADA, BEEMNET W	
		ART UNIT	PAPER NUMBER	
		2135		
DATE MAILED: 12/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/830,392	ISHIBASHI ET AL.	
Examiner	Art Unit		
Beemnet W. Dada	2135		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 September 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) See Continuation Sheet is/are pending in the application.
4a) Of the above claim(s) 1-68, 118-147 and 171-228 is/are withdrawn from consideration.
5) Claim(s) 95-100, 104-107, 111-114, 148 and 149 is/are allowed.
6) Claim(s) 69-74, 79-82 and 87-90 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1-74, 79-82, 87-90, 95-100, 104-107, 111-114, 118- 149 and 171-218.

DETAILED ACTION

1. The request filed on September 27, 2005 for a request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application 09/830,392 is acceptable and an RCE has been established. Claims 69-71, 79, 87, 95-97, 104, 111, 148 and 149 have been amended, claims 75-78, 83-86, 91-94, 101-103, 108-110, 115-117, 150-170 have been cancelled, claims 1-68 and 118-147 and 171-218 have been withdrawn. Claims 69-74, 79-82, 87-90, 95-100, 104-107, 111-114, 148 and 149 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 69-71, 79 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wool US Patent 6,073,122 in view of Downs et al. US Patent 6,226,618 B1 (hereinafter Downs).

4. As per claims 69-71, 79 and 87, Wool teaches an information distribution system for distributing data from an information sending device to an information receiving device [see abstract],

wherein said information sending device (i.e., headend server) comprises:

sending means for sending a plurality of distribution keys, each corresponding to a predetermined time period and send data, which includes data encrypted with key data [column 4, lines 1-16, 20-25 and column 5, lines 40-61];

said information receiving device comprises:

receiving means for receiving send data and said plurality of distribution keys and receiving end controlling means for decrypting said encrypted data [column 6, lines 41-60 and column 5, lines 40-61];

wherein each of said plurality of distribution keys allows decryption of said encrypted data within the predetermined time period associated with said distribution key, independent of a connection during said predetermined time period associated with said distribution key (i.e., during a given billing period) [column 4, lines 3-5, 62-67 and figures 5-7].

Wool is silent on a storing means for storing content data that is prohibited from being played by an information device that does not include a content key and a storing means for storing content data that is permitted to be played by an information receiving device that does not include the content key. However, within the same field of endeavor Downs teaches a storing means for storing content data that is prohibited from being played by an information device that does not include a content key and a storing means for storing content data that is permitted to be played by an information receiving device that does not include the content key [see for example, column 19, steps 142-148, column 26, lines 35-67 and column 45 lines 15-27]. Both Wool and Downs teach secure information distribution system. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Downs within the system of Wool in order to enhance the security of the system.

5. Claims 72-74, 80-82 and 88-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wool US Patent 6,073,122 in view of Downs et al. US Patent 6,226,618 B1 as applied above and further in view of Horne US Patent 4,887,296.

6. As per claims 72-74, 80-82 and 88-90, Wool teaches an information distribution system as applied above. Wool is silent on the key data being individual key that is specific to a device and said key data that is periodically updated. However, the system of generating encryption/decryption keys that are specific to a device and are periodically updated is old and well known in the art. For example, within the same field of endeavor Horne teaches a cryptographic system for data transmission, including a method for providing individual keys that are specific to a device [column 3, lines 63 – column 4, lines 14], and further, including periodically changing keys at a time interval [column 4, lines 41-44], which has the advantage of transmitting data only to a specific authorized device securely. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the teachings of Horne within the system of Wool and Downs in order to further enhance the security of the system by changing keys periodically and providing individual keys as taught by Horne.

Allowable Subject Matter

7. Claims 95-100, 104-107, 111-114, 148 and 149 are allowed.

Response to Arguments

8. Applicant's arguments with respect to claim 69-71, 79 and 87 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

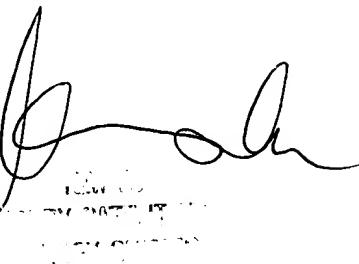
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

December 27, 2005


A handwritten signature in black ink, appearing to read "Beemnet Dada". Below the signature is a small, rectangular, faint printed stamp that is mostly illegible but includes the text "U.S. Patent and Trademark Office" and "December 27, 2005".